IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2751 OF 1985

Bank of Baroda .. Plaintiffs

Vs.

M/s.Harkisondas Lakhmidas and Ors..Defendants

Mr.A.B.Shinde with Mrs.Purnima Pandit i/b A.B.Shinde & Co. for the plaintiffs

Ms.J.M.Sidhava with Ms.Thakkar i/b M/s.Rustamji & Ginwala for defendant no.1 and 2

Mr.M.Kamdar for defendant no.3 and 4

CORAM : S.U.KAMDAR, J

DATED : 11TH JULY 2005

P.C.:

1. The learned counsel for the defendants states that the defendants shall make payment of sum of Rs.2.0 Lacs in full and final settlement of the claim. The learned counsel seeks two months' time to make payment of the aforesaid amount. In an event if the aforesaid amount is paid within 2 months, the suit claim to be marked 'satisfied' and suit stands disposed of accordingly. In an event if the amount is not paid within 2 months then there shall be decree as prayed in prayer clause

(a). Plaintiff accepts the aforesaid proposal. Suit is disposed of accordingly. No order as to costs.

2. In so far as defendant no.3 and 4 are concerned, they will be entitled to plead in execution of decree that no part of the estate of the deceased has come to their share. Issues if any, shall be determined at the hearing of the suit.